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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,288	12/12/2001	Henry L. Griesbach III	16,280-A	8060
23556	7590	10/05/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC.			PATEL, NIHIR B	
401 NORTH LAKE STREET			ART UNIT	
NEENAH, WI 54956			PAPER NUMBER	

3743

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,288	Applicant(s) GRIESBACH ET AL.	
	Examiner Nihir Patel	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 23rd, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesbach, III et al. (US 6,663,584) in view of LaVon et al. (US 5,938,648). **Referring to claim 1 and 16**, Griesbach discloses the applicant's invention as claimed with the exception of providing a non-woven web that is treated with a surfactant. LaVon discloses an absorbent articles exhibiting improved internal environmental conditions that does provide a non-woven web that is treated with a surfactant. Therefore it would have been obvious to modify Griesbach's invention by providing a non-woven web that is treated with a surfactant as taught by LaVon in order to absorb the fluid quicker. It is also obvious to one in the ordinary skill in the art to design a laminate that is a breathable barrier and that complies with ASTM F1 670-95 in order to prevent the spread of viruses/diseases.

Claims **4 through 6, 7, 9, 10, 19 through 24 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesbach, III et al. (US 6,663,584) in view of Wadsworth et al. (WO 9609165A1). **Referring to claims 4 and 19**, Griesbach III discloses the applicant's invention as claimed with the exception of providing surfactant treated non-woven web that comprises a spun-bond polyolefin. Wadsworth discloses a microporous film/non-woven composites that does provide surfactant treated non-woven web that comprises a spun-bond polyolefin. Therefore it

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would have been obvious to modify Griesbach's invention by providing surfactant treated non-woven web that comprises a spun-bond polyolefin as taught by Wadsworth in order to absorb the fluid quicker.

Referring to claims 5 and 20, Griesbach discloses the applicant's invention as claimed with the exception of providing a surfactant treated non-woven web that comprises a spun-bound of any polypropylene, polyethylene, a copolymer of polypropylene, and a copolymer of polyethylene. Wadsworth discloses a microporous film/non-woven composites that does provide a surfactant treated non-woven web that comprises a spun-bound of any polypropylene, polyethylene, a copolymer of polypropylene, and a copolymer of polyethylene. Therefore it would have been obvious to modify Griesbach's invention by providing a surfactant treated non-woven web that comprises a spun-bound of any polypropylene, polyethylene, a copolymer of polypropylene, and a copolymer of polyethylene as taught by Wadsworth in order to absorb the fluid quicker.

Referring to claims 6 and 21, Griesbach discloses the applicant's invention as claimed with the exception of providing a surfactant non-woven web that comprises at least one layer of meltdown polyolefin and at least one layer of spun-bound polyolefin. Wadsworth discloses a microporous film/non-woven composite that does provide a surfactant non-woven web that comprises at least one layer of meltdown polyolefin and at least one layer of spun-bound polyolefin. Therefore it would have been obvious to modify Griesbach's invention by providing a surfactant non-woven web that comprises at least one layer of meltdown polyolefin and at least one layer of spun-bound polyolefin as taught by Wadsworth in order to absorb the fluid quicker.

Referring to claims 7 and 22, Griesbach discloses the applicant's invention as claimed with the exception of providing a filler of the stretchable film laminate that comprises CaCO_3 . Wadsworth discloses a microporous film/non-woven composites that does provide a filler of the stretchable film laminate that comprises CaCO_3 . Therefore it would have been obvious to modify Griesbach's invention by providing a filler of the stretchable film laminate that comprises CaCO_3 as taught by Wadsworth in order to absorb the fluid quicker.

Referring to claims 9 and 23, Griesbach discloses the applicant's invention as claimed with the exception of providing a laminate that comprises a surgical drape. Wadsworth discloses a microporous film/non-woven composites that does provide a laminate that comprises a surgical drape. Therefore it would have been obvious to modify Griesbach's invention by providing a laminate that comprises a surgical drape as taught by Wadsworth in order to provide a garment that absorbs liquid quicker.

Referring to claims 10 and 24, Griesbach discloses the applicant's invention as claimed with the exception of providing a laminate that has a moisture vapor transmission rate of at least $300 \text{ g/m}^2/24 \text{ hours}$. Wadsworth discloses A microporous film/non-woven composites that does provide a laminate that has a moisture vapor transmission rate of at least $300 \text{ g/m}^2/24 \text{ hours}$. Therefore it would have been obvious to modify Griesbach's invention by providing a laminate that has a moisture vapor transmission rate of at least $300 \text{ g/m}^2/24 \text{ hours}$ as taught by Wadsworth in order to absorb the fluid quicker.

Claims **2, 3, 11, 12, 15, 17 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesbach, III et al. (US 6,663,584) in view of Wadsworth (WO 9609165A1) as applied to **claims 4 through 6, 7, 9, 10 and 19 through 24** above, and further in view of

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McCormack et al. (US 6,653,523). **Referring to claims 2, 11, 12, 15, 17 and 25**, Griesbach and Wadsworth discloses the applicant's invention as claimed with the exception of providing skin layer(s) that comprises CATALLOY polymer. McCormack discloses a low gauge films and film/non-woven laminates that does provide skin layer(s) that comprises CATALLOY polymer. Therefore it would have been obvious to modify Griesbach's and Wadsworth's inventions by providing skin layer(s) that comprises CATALLOY polymer as taught by McCormack in order to provide a stronger hold.

Referring to claims 3 and 18, the applicant claims that at least one layer of the multi-layer film comprises about 35 percent to about 75 percent by weight polyolefin resin and from about 65 to about 25 percent by weight of filler. After thoroughly reading the applicant's specifications (see **page 12 lines 17-20**) the examiner has found no criticality on why the multi-layer film must comprise about 35 to about 75 percent by weight polyolefin and from about 65 to about 25 percent by weight of filler and therefore the examiner considers the amount of polyolefin and filler a design choice that depends on desired degree of liquid impermeability.

Claims **13, 14, 26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesbach III et al. (US 6,663,584) in view of Wadsworth (WO 9609165A1) as applied to **claims 4 through 6, 7, 9, 10 and 19 through 24** above, and further in view of Tucker (US 6,638,636).

Referring to claims 13, 14, 26 and 28, Griesbach and Wadsworth discloses the applicant's invention as claimed with the exception of providing a core layer that comprises a metallocene linear low density polyethylene. Tucker discloses a breathable multi-layer films with breakable skin layers that does provide a core layer that comprises a metallocene linear low density polyethylene. Therefore it would have been obvious to modify Griesbach's and Wadsworth's

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invention by providing a metallocene linear low density polyethylene as taught by Tucker in order to provide a stronger hold.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (571) 272-4803. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful the examiner supervisor Henry Bennett can be reached at (571) 272 4791.

NP
September 23rd, 2005



Henry Bennett
Supervisor Patent Examiner
Group 3700